

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America)

v.)

Sergio Humberto MENA-ESQUIVEL)

Case No: 18-1668mJ

Defendant(s)

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of May 15, 2018 in the county of Otero in the State and District of New Mexico, the defendant violated 8 U.S.C. §1326(a)(1),(2)(Re-Entry After Deport), an offense described as follows:

an alien, who had been previously arrested and deported from the United States and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, being willfully in the United States unlawfully

This criminal complaint is based on these facts:

On May 15, 2018 the defendant was encountered at highway 54 near the United States Border Patrol Check Point south of Alamogordo, New Mexico after the vehicle that the defendant was driving turned around back south right before the inspection area of the checkpoint. Agents performed a vehicle stop and questioned the driver as to his citizenship. Defendant stated that he was a Mexican National. Immigration checks were run through El Paso Sector Communications, it was discovered that the defendant had been excluded/removed from the United States on May 29, 2005 through El Paso, TX.

☒ Continued on the attached sheet.


Complainant's signature


Jose Cotto, BORDER PATROL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: May 16, 2018

City and state: Las Cruces, N.M.


KEVIN R. SWEAZE
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Sergio Humberto MENA ESQUIVEL

Continuation of Statement of Facts:

Defendant was enrolled into IDENT/IAFIS and it was confirmed that the defendant was excluded/removed on 05/29/2005 and departed on the same date, defendant was most recently deported/ordered removed for a second time by Immigration & Customs Enforcement (ICE) on April 4, 2018 and departed April 27, 2018 through Nogales Arizona. Defendant entered illegally into the United States on May 3, 2018 by walking through the desert near Santa Theresa, NM. This area is not a valid port of entry as designated by the proper authorities of the Department of Homeland Security. Therefore making the defendant illegally present in the United States.

Continuation of Statutory Language:



Signature of Judicial Officer



Signature of Complainant
Cotto, Jose

Filing Agent